

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARLOS RUIZ,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

Case No. 3:23-cv-5312-JCC-TLF

ORDER GRANTING MOTION FOR
MORE DEFINITE STATEMENT

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This matter comes before the Court on respondent's motion for a more definite statement. Dkt. 18. For the reasons set forth herein, the Court grants respondent's motion for a more definite statement.

A habeas corpus petition must "specify all the grounds for relief available to the petitioner." Rule 2 of the Rules Governing § 2254. The petition must also identify the facts supporting each ground for relief. Rule 2 of the Rules Governing § 2254. If a pleading is so vague or ambiguous that a respondent "cannot reasonably prepare a response," the respondent may move for a more definite statement. Fed. R. Civ. P. 12(e).

The Court in a habeas corpus proceeding may "consider a motion from respondent to make the petition more certain." Advisory Committee Notes, 1976

1 Adoption, to Rule 4 of the Rules Governing § 2254. Petitions for habeas corpus must
2 use or substantially follow this district's forms. Local Civil Rule (LCR) 100(a).

3 Petitioner filed this habeas corpus petition challenging his custody under a state
4 court judgment and sentence. Dkt. 10. The petition appears to challenge the length of
5 the sentence imposed by the state court and states multiple claims regarding the
6 Washington State Department of Corrections' Indeterminate Sentence Review Board
7 (ISRB). Dkt. 10. Yet the petition does not use or substantially follow this district's forms
8 and does not clearly articulate his grounds for relief, nor does it clearly identify how
9 many grounds for relief are raised. Dkt. 10. Petitioner has filed a "definite statement of
10 grounds" however, it again does not use or substantially follow this district's forms nor
11 does it clearly articulate petitioner's grounds for relief or clearly identify how many
12 grounds are raised. Dkt. 19.

13 The Court agrees that respondent cannot reasonably be required to prepare an
14 answer to the current petition because the petition does not clearly identify the grounds
15 for relief and the facts supporting such grounds for relief. Accordingly, the Court grants
16 respondent's motion (Dkt. 18) and ORDERS:

- 17 • Petitioner is directed to file and serve – **by July 21, 2023** – an
18 amended petition with a concise statement of the grounds raised and
19 facts supporting such grounds in compliance with Rule 2 of the Rules
20 Governing § 2254 and LCR 100(a). The amended petition shall
21 operate as a complete substitute of the current petition (Dkt. 10).
- 22 • Respondent shall file and serve an answer within 45 days after
23 service of the amended petition.

- The Clerk is directed to provide petitioner with the forms for filing a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. The Clerk is directed to send a copy of this Order to the parties in this action.

Dated this 30th day of June, 2023.



Theresa L. Fricke
United States Magistrate Judge